

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

FEB 24 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JEAN-LOUIS BRAVET
and
MARC MAURER

Application No. 09/147,813

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on January 31, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On December 31, 2001, the examiner entered a Final rejection of the following claims on appeal (Paper No. 18):

(a) claims 40-45, 49, 52, 62 and 63 under 35 U.S.C. § 103(a) as being unpatentable over Motter;

(b) claims 46 and 47 under 35 U.S.C. § 103(a) as being unpatentable over Motter in view of Hirmer and further in view of Brier;

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(c) claims 48, 50 and 51 under 35 U.S.C. § 103 as being unpatentable over Motter in view of Hirmer and further in view of Oliver;

(d) claims 53-61 under 35 U.S.C. § 103 as being unpatentable over Motter in view of Hirmer further in view of Tatebayashi; and

(e) claims 44 and 63-65 under 35 U.S.C. § 103(a) as being unpatentable over Motter in view of Hirmer and further in view of EP-A1-0524417 and EP-A1-0718348.

On July 22, 2002, appellants filed an Appeal Brief (Paper No. 21). On October 22, 2002, the examiner entered an Examiner's Answer (Paper No. 22). On page 3, section (10) of the Examiner's Answer, the examiner rejects claims 40-45, 49, 52 and 62 under 35 U.S.C. § 103(a) as being unpatentable over Motter in view of Hirmer. It is not clear from the record whether the examiner has dropped the rejection of claim 63, or if the examiner omitted claim 63 due to inadvertent error.

Accordingly, it is


ORDERED that the application is returned to the examiner to clarify the status of claim 63 under 35 U.S.C. § 103(a) as

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being unpatentable over Motter in view of Hirmer, notification to appellants in writing as to the status of claim 63, and for such further action as may be appropriate.

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